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21 Attorneys for Defendant
22 ALLSTATE INSURANCE COMPANY

23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA
25 SAN FRANCISCO DIVISION

26 MICHELLE FANUCCI,

27 Plaintiff,

28 vs.

ALLSTATE INSURANCE COMPANY,
MICHAEL B. BALDWIN, and DOES 1 to
50,

Defendants.

No. CV-082151 JSW

STIPULATION RE SCOPE AND
COURSE OF AGENCY OF MICHAEL
BALDWIN

1 Plaintiff Michelle Fanucci and defendant Allstate Insurance Company, by and through
2 their respective counsel of record, hereby stipulate and agree as follows:

3 WHEREAS plaintiff has named Michael Baldwin as a defendant in this case;

4 WHEREAS Mr. Baldwin was an Allstate employee and/or agent at all times material to
5 the complaint and acted within the course and scope of said employment or agency at all such
6 times;

7 WHEREAS Allstate is liable for any errors or omissions committed by Mr. Baldwin in
8 the course and scope of his employment or agency for Allstate;

9 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED that (1) Allstate
10 shall be liable in this action for any errors or omissions committed by Mr. Baldwin in the sale of
11 the Fanuccis' personal umbrella policy as alleged in the complaint, (2) Mr. Baldwin will appear
12 for deposition, if requested by plaintiff, upon reasonable notice and without the need for a
13 subpoena; and (3) plaintiff will dismiss Mr. Baldwin as a defendant herein for a waiver of costs.

14 IT IS SO STIPULATED.

15 Dated: May 23, 2008

PEARSON, SIMON, SOTER, WARSHAW &
PENNY, LLP

16
17 By /s/ [Signature]
18 Gary Soter

19 Attorney for Plaintiff MICHELLE FANUCCI
20 Dated: May 28, 2008
21 SONNENSCHN NATH & ROSENTHAL LLP

22
23 By /s/ [Signature] /for
24 Michael Barnes

25 Attorneys for Defendant
26 ALLSTATE INSURANCE COMPANY
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